

## SPECIAL COMMISSION MEETING

Tallahassee, Florida  
April 22, 2004

### JOINT CITY-COUNTY COMMISSION PUBLIC HEARING ON THE PROPOSED CYCLE 2004-2 AMENDMENTS TO THE 2010 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN

The City Commission met in special joint session with the Leon County Board of Commissioners (County Commission) on April 22, 2004, in the City Hall Commission Chamber with City Commissioners Marks, Katz, Lightsey, Mustian and Gillum, and County Commissioners Sauls, Thaell, Grippa, Winchester, Maloy, and Rackleff present. Also present were County Attorney Thiele and Assistant City Attorney Linda Hurst.

County Chairman Sauls called the meeting to order at 6:05 p.m. for the purpose of conducting a Joint City-County Commission Public Hearing on the Proposed Cycle 2004-2 Amendments to the 2010 Tallahassee-Leon County Comprehensive Plan (Comp Plan).

Land Use Planning Manager Jean Gregory reviewed the agenda materials, and announced instructions and a three-minute time limitation for each citizen desiring to address the Joint Commission.

Mayor Marks opened the floor for the public hearing on the proposed amendments, and Planner Kristin Andersen announced the speakers on the amendments as shown.

#### **AMENDMENT 2004-2-M-001. WITHDRAWN BY APPLICANT.**

**AMENDMENT 2004-2-M-002.** Proposed map amendment change from Residential Preservation (RP) to Neighborhood Boundary (NB) for 9.29 acres located on Park Avenue between Belmont Road and Ferndale Drive (M. B. Adelson) [Staff: Kristen Andersen].

Mr. Jerry Edwards, 1603 Valley Road, President of the Inglewood Neighborhood Association, appeared before the Joint Commission as spokesperson for 300 residences in the neighborhood who opposed Map Amendment 002. He stated that many of the residents had not seen a sign announcing this proposed change and they were concerned that this change would increase flooding on the northern side of the neighborhood, at the bottom of Valley Road, and at Reece Park Lane and Willaura Circle. Mr. Edwards also discussed their concern with the projected increase in traffic on Reece Park Lane from 1,400 cars per day to 4,200 cars per day, resulting in increased danger for children, the elderly and handicapped persons on the neighborhood streets where there were no sidewalks. He pointed out this change would be contradictory to the Comprehensive Plan's prohibition of new minor commercial having access onto a local street, and expressed the opinion that the arguments of the applicant, who no longer desired to be a part of the neighborhood, should not be given the weight of the neighborhood residents. *(Letters from Mr. Jerry Edwards and from Mr. Bryan Edwards, summarizing the objections of 300 residents and members of the Inglewood Neighborhood Association, were submitted and placed on file in the Office of the City Treasurer-Clerk.)*

Mr. Darryl K. Stewart, 1608 Sequoia Drive, representing himself and his wife, Bridgette, appeared before the Joint Commission in opposition to proposed Map Amendment 002. He discussed their desire to keep their neighborhood safe and secure, and pointed out the MacDonald's Restaurant on Magnolia Drive had already created traffic jams for their neighborhood. Mr. Stewart also advised that signs at Governor's Mall sent traffic through their neighborhood, and the time required to leave their neighborhood had already increased as a result of the Park Avenue and Magnolia Drive road widening improvements.

Mr. John Koelemij, 1006 Gardenia Drive, appeared before the Joint Commission in opposition to Map Amendment 002 and stated that as the original developer of the Inglewood Subdivision and the owner of 316 Belmont Road, and as representative of his daughter who owned property at 316 Belmont Road, he was concerned with the increased traffic this change would bring into the neighborhood. He advised that Belmont Road only included a 30-foot wide dedicated right-of-way, and expressed concern that people driving on Park Avenue, which already had a heavy traffic load, would look for side streets to cut through their neighborhood.

Ms. Brenda Pierce, 1529 Belmont Trace, appeared before the Joint Commission in opposition to Map Amendment 002, and discussed her concern with the increase in traffic and noise volume, and the resulting decrease in walkability that this change would bring about. She opined that this would also change their neighborhood to a rental community, and pointed out the proposed commercial development was not needed as there were properties to the north that were not owner-occupied. Ms. Pierce urged the Commissions to abide by the Comp Plan provision requiring the protection of Residential areas and stop further encroachment into their neighborhood by denying this proposed rezoning to Neighborhood Boundary.

Mr. James Elsner, 114 Ferndale Drive, appeared before the Joint Commission, on behalf of himself, his wife and two children, and discussed his opposition to the proposed amendment. He urged denial of the rezoning to Neighborhood Boundary until there was better disclosure and more information on this kind of rezoning.

Mr. Ian Elsner (a student) appeared before the Joint Commission in opposition to the amendment and stated his objections to the proposed amendment based on the proposed change increasing the amount of traffic, resulting in more noise, destroying the peace in the neighborhood, and destroying the backdrop of trees that were characteristic of their neighborhood.

Mr. Frank Reeves, 1535 Belmont Trace, appeared before the Commission in opposition to the amendment and urged the Joint Commission to protect the woods and the peace of Belmont Trace by denying this amendment.

Ms. Theresa Walsh, 132 Ferndale Drive, appeared before the Commission in opposition to the amendment and indicated her concurrence with the points that had been made by her neighbors.

Ms. Walsh urged protection of this residential neighborhood in the urban core, and described the neighborhood as multi-racial and multi-generational with flooding problems and commercial problems from being "boxed in". She opined that the Neighborhood Boundary zoning designation was appropriate perhaps for converting a residence to an office but not for an urban core office building on over 9 acres in this urban core area. Ms. Walsh pointed out Benchmark Construction had just recently built two office buildings at the corner of Ferndale and Park, and there was no need for additional office space. She stated that the subject properties had been purchased in the last few years for potential future development pursuant to the Park Avenue improvements, and suggested that the Joint Commission needed more information before making a true assessment of this land use amendment request.

Mr. Joe Carroll, 115 Ferndale Drive, appeared before the Joint Commission in opposition to proposed Map Amendment 002 and opined that changing to Neighborhood Boundary was only an attempt to change what had already been encroached upon. He stated that additional commercial space in front of the last entryway into their neighborhood was inappropriate for the survival of their residential neighborhood, and he concurred with his neighbors' comments.

Mr. Pete Steuer, 305 Chestnut Drive, appeared before the Joint Commission in opposition to proposed Map Amendment 002 and discussed his concern with the increased encroachment into his neighborhood. He expressed concern with the increased potential for crime that the increased traffic from this change would bring to the area and he stressed the potential for increased flooding in the area.

Ms. Carole Bullock, 120 Reece Park Lane, appeared before the Joint Commission in opposition to the proposed amendment and stated that the property was already being used as a direct access onto Reece Park Lane from Park Avenue. She stated that an error needed to be corrected that allowed the stores on the other side of the buffer to be considered double frontage prior to any other rezoning, and stressing the fragility of her neighborhood, she asked the Commissions to help preserve their neighborhood by denying this amendment.

Mr. John Taylor, resident of 3024 Brookmont Drive and owner of property at 132 Belmont, appeared before the Joint Commission in opposition to proposed Amendment 002, and described his Belmont property as being in an area that had been preserved many years earlier as a residential part of the Magnolia Office Park Development. He stated that there was an increasing amount of cut-through traffic in their area and urged the Commissions to help keep their neighborhood zoned Residential Preservation.

Mr. Warren Merrell, 127 Willaura Circle, appeared before the Joint Commission in opposition to proposed Amendment 002 and described the residents of the area as having a high percentage of children, including his grandchildren. He discussed the redesign of the East Park Avenue improvements with amenities for the purpose of retaining the residential character of the area.

Mr. Merrell suggested that with the four-laning of East Park Avenue, it was important to remember that the Blair Stone Park and Smith Brothers Trust quadrants had already been zoned high commercial and the traffic capacity had been used up. He emphasized the need for additional residential space, not office space and pointed to the existing availability of vacant office space in nearby areas.

Mr. Kent Hutchinson, 911 San Luis Road, representing the Council of Neighborhoods Association (CONA), appeared before the Joint Commission in opposition to proposed Amendment 002. He stated that CONA had not envisioned this use of Neighborhood Boundary.

Mr. Hutchinson stated that Neighborhood Preservation had been designed for individual parcels that would bring in less intrusive uses to a residential neighborhood, and it had not been created for the purpose of turning 9 acres into office space at the only residential entrance to an entire neighborhood. He stated CONA's support for the Ingleside Neighborhood's position and urged denial of this amendment.

Mr. Dan Owens, 1718 Ferndale Place, representing himself, his wife and two children, appeared before the Joint Commission in opposition to proposed Amendment 002, and stated his support for his neighbors' comments. He objected to the potential increase in traffic and stated that there was no need for additional businesses in the area.

Ms. Sylvia C. Greeley, 1606 E. Park Avenue, appeared before the Joint Commission in support of proposed Amendment 002, which she described as a good compromise between the people on East Park Avenue and the residents on Reece Park Lane. She stated that her residential area had diminished and no longer had a buffer, and stated that she would like to see another market for her property.

Mr. James H. Bailey, 1536 E. Park Avenue, appeared before the Joint Commission in support of proposed Amendment 002, and clarified that there were four (4) owner-occupied homes on the subject site. He emphasized that there were no development plans and Benchmark owned only one parcel as opposed to a group of parcels. Mr. Bailey acknowledged that he had been reimbursed for the road right-of-way and trees taken from his property for the East Park Avenue road improvements, as any property owner would expect to be reimbursed, and he explained that the deepest incursion into the neighborhood was 350 feet. He stated that many safeguards were in place, including the mitigation of flooding, and he corrected a major error in the traffic counts on that roadway as he had personally counted the cars and found the hourly average from 3:30 p.m. to 5:30 p.m. to be 16 cars per hour coming out of that neighborhood, or 384 cars per day if there was the same volume 24 hours per day. 1

Mayor Marks stated that the City would conduct a traffic count for that area.

Mr. Jeff Saulich, 421 Margaret Court, appeared before the Joint Commission in opposition to proposed Amendment 002, and emphasized that the residents in this neighborhood had invested their money and lives in their homes. He described the advantages of this residential neighborhood in being located downtown, convenient, a good mix of neighbors and a wide diversity of residents, and described the negative impacts of the amendment as being encroachment, traffic and noise issues. Mr. Saulich stated that the City needed more residential neighborhoods, not more offices, and pointed out residential homes were never vacant for long. A portion of the audience stood to indicate their desire to continued to live downtown in the Inglewood Subdivision.

Mr. David Luke, 1603 Valley Road, appeared before the Joint Commission in opposition to proposed Amendment 002, and clarified that the existing structure on the large parcel of land that was partially covered by the rezoning application was already in the neighborhood, falling beyond the 350-foot limit. He expressed support for his neighbors' comments and urged the Commissions to apply the Neighborhood Boundary where it was intended on small lots, noting that it clearly was not meant to cover this block of over 9 acres at an entrance to an existing residential neighborhood. *(A letter from Mr. Luke was received and placed on file in the Office of the City Treasurer-Clerk.)*

Ms. Pamela Hall, 5051 Quail Valley Road, appeared before the Joint Commission in opposition to proposed Amendment 002 and stated her perception that neighborhoods like this one were the test case for urban infill. She stated that it was important to preserve neighborhoods like this one and to prepare for a transition, while she believed 9 acres to be a big test case, and she stressed the importance of being informed by the applicants on what was intended for the subject property.

Ms. Hall suggested that a conceptual Planned Unit Development (PUD) be required with large sites and that a few things be included that would be a contribution to the neighborhood, i.e., that the stormwater flooding problems be fixed, that the property not be allowed to serve as access to the interior of the neighborhood.

Ms. Martina Schmid, 307 Birch Lane, appeared before the Joint Commission in opposition to proposed Amendment 002, and stated that the lots on East Park Avenue were desirable residential lots. She stated that those lots were facing a thick line of trees and the City had spent a lot of time and money putting in a sidewalk and landscaping the road to make the properties desirable residential property. She stated that if the 9 lots were zoned Office, the backs of those offices would be parking lots, and would precedence for expanding the zoning to those adjacent properties.

Mr. M. B. Adelson, 3387 E. Lakeshore Drive, appeared before the Joint Commission as legal representative for the 9 individual property owners in support of Amendment 002. He stated that they were not conglomerated into anything other than being neighbors, and stated that this amendment included some extraordinary buffer requirements. Mr. Adelson explained that these 9 properties faced a four-lane collector roadway and a mall, while towards the west both sides of Park Avenue were lined with commercial and offices uses with quiet, neighborhood enclaves behind those offices; and, if they look the other way to the east, they saw the Sunshine State Credit Unit, commercial uses and offices lining Park Avenue with quiet neighborhoods behind those offices. He stated that these 9 properties do not connect into the neighborhood enclave but have driveways onto the four-lane, collector Park Avenue roadway. Mr. Adelson clarified that there were no pending development plans, and protections were in place to protect the adjoining neighborhood.

Mayor Marks opined that part of the concern was with the aggregation of these lots.

Mr. Adelson clarified that these were nine property owners who did not want to be in a spot-zoning situation. He stated that the existing regulatory net would provide protections for any aggregation of these lots so that the neighborhood behind them would not be offended.

Ms. Danielle Owens, 1718 Ferndale Place, appeared before the Joint Commission in opposition to proposed Amendment 002, and stated that she resided adjacent to two-story office buildings, which were recently built on East Park Avenue. She stated that parking lots, all night lights in the parking lots and a stormwater drainage pond adjoined their residential area, and it was very likely that the people driving to these offices would cut through the neighborhood on Ferndale Drive.

Ms. Jacqueline Pembroke, 111 Reece Park Lane, appeared before the Joint Commission in opposition to proposed Amendment 002, and described the traffic on her small winding road, with no sidewalks, as becoming increasingly hazardous. She stated that there was flooding in the area and pedestrian traffic was becoming increasingly difficult, especially for handicapped residents.

Mr. Howard G. Knight, 108 Ferndale Drive, appeared before the Joint Commission in opposition to proposed Amendment 002 and objected to his neighborhood being experimented on with the Neighborhood Boundary designation. He described his neighborhood as being a beautiful area, which was a low crime area, and the intent was for that land to be residential and not commercial.

Mr. Greg Patterson, Past President of CONA, appeared before the Joint Commission in opposition to proposed Amendment 002, and questioned the unintended consequences of this Neighborhood Boundary zoning category. He stated that he was embarrassed that he had helped create this zoning category if this was how it was going to be applied because rezoning 9 acres to this category could potentially change the dynamics of this entire neighborhood, and stated that he was concerned that no plans for development was a potential downside for the neighborhood. (A letter from Mr. Patterson was received and placed on file in the Office of the City Treasurer-Clerk.)

(Mr. Aaron Eagle, 412 Chestnut Drive, and Ms. Christie Moore, 110 Gerndale Drive, submitted speaker request forms, but did not appear.)

(Letters opposing this amendment were received from Mr. Chris Duclos, 1608 Glenway Drive, and Ms. A. June Vickers, 2125 Charter Oak Drive, and placed on file in the Office of the City Treasurer-Clerk.)

Mayor Marks pointed out no one knew what would happen to this property so that one could not say that unintended consequences would occur.

County Commissioner Rackleff clarified a map depiction of the proposed change in land use designation from RP to Neighborhood Boundary, labeled Attachment A. He asked that the staff 1) review all changes to RP from another use in the past 10 years and add up the number of housing units that had been eliminated as a result, and 2) add to that data the appraised values of those houses before the amendment was passed. He explained that he wanted to understand how destroyed the opportunity to retain and grow affordable housing in the urban core, and stated that he had seen neighborhoods, one after another, reduced in the past 10-15 years to offices or commercial land uses.

County Commissioner Rackleff also asked that the staff provide information on enhancements the City had paid for on East Park Avenue so it would not adversely effect the residential quality of life, and opined that the City had gone to great pains and expense with that roadway. He stated that "it was an affront" to see that road become an excuse for eliminating residential uses when the City had spent \$1 million for landscaping enhancements.

City Commissioner Lightsey acknowledged that the City had expended a large amount of public money to guarantee the continuing viability of residential fronting on Park Avenue, and the City had also limited the development on the Smith Family property on the south side of Park Avenue so that no commercial could be viewed from that side of Park Avenue and there would be a buffer.

City Commissioner Lightsey stated that the commercial had been limited to the intersection of Blair Stone and Park Avenue, and she asked that the staff bring back the history of the requests

for rezoning on this property, noting that this was the fourth round where these same parcels had been before the Commissions with a request for rezoning, which had been denied in the past for a variety of reasons. She stated that the City had worked hard on Neighborhood Boundary and had heavily conditioned it, and she had anticipated it would be used for conversions of existing residential to small office as had occurred in some other areas while she had not expected to see multiple parcels potentially come forward under a single development proposal, which is what was causing so much concern, yet Neighborhood Boundary would be considered a spot rezoning unless the whole strip was changed.

Commissioner Lightsey asked that the staff bring back information on the most intense development that could be built on this property if it was aggregated under a single development proposal, and she noted that a conversion of a single family home usually did not include a paved parking area and required some buffering, while there would be additional asphalt if the whole piece of land came forward as a single development proposal and that had not been envisioned. She suggested that Neighborhood Boundary ought not to be approved with this amendment if the Commissions could not accept the most intense development it would allow, and in that case the staff should probably bring back some additional restrictions for a Neighborhood Boundary area with an underlying zoning code, so that individual parcels could be converted while requiring more than one parcel brought in as a single development proposal to be brought in as a PUD.

Noting that he had not envisioned aggregating lots under Neighborhood Boundary, Mayor Marks concurred with City Commissioner Lightsey's request for the staff to explore the matter and to confirm whether the intent had been to apply to individual houses being converted into office space or something other than a single family dwelling. He thanked the speakers for their input and stated that the staff would make every effort to appropriately notice these speakers of the next meeting on this issue.

**AMENDMENT 2004-2-M-003.** Proposed map amendment change from Urban Fringe to Mixed Use A, as well as an extension of the Urban Service Area (USA) line to include two parcels totaling approximately 97 acres located south of Old St. Augustine Road and east and south of Calle de Santos, near W. W. Kelley Road (Johnny and Katrina Petrandis) [Staff: Russell Snyder].

Ms. Gregory announced the amendment.

County Commissioner Thaelin inquired as to how the original application had been changed to a different zoning, and Ms. Gregory advised that the applicant had originally requested R4 (Residential 4) zoning if this amendment to Mixed Use A was approved. She stated that R4 would permit a number of residential types, including townhouses and multifamily as well as single family detached, and she advised that the applicant had amended the zoning request at the Local Planning Agency (LPA) public hearing, to go to R2 (Residential 2), which allowed single family only residences at approximately 4.8 units per acre and was adequate for the proposed development plans, under the same land use request to go to Mixed Use A.

Mr. Luis Serna, Varnum & Associates, 3559 Timberlane School Road, representing Johnny Petrandis, the applicant, appeared before the Joint Commission and depicted the subject site on a map display. He opined that this application was a logical extension of the Urban Fringe district and the USA, and stated that the property abutted developments that exceeded the one dwelling unit per three-acre minimum density of the Urban Fringe district and was a logical extension of the existing subdivision. Mr. Serna noted that right-of-way had been set aside for access to this property through the subdivision and this amendment would allow a similar growth density as that existing on the abutting subdivision, which was a maximum gross density of 1.26 units per acre.

Mr. Serna advised that the abutting development included lots that were below the 3-acre minimum requirement of the Urban Fringe district, including lots that ranged in size from 1/2-acre to one acre, but because of the site constraints on the subject property, the development would require the

development of lots that fall below the ½ acre minimum requirement for septic tanks, which was why 15 the requested included an extension of the USA.

City Commissioner Lightsey requested clarification of the requirement relating to septic tanks, and Mr. Serna stated that because the Code required a ½ acre minimum size for septic tanks, the site constraints on the property would likely require the lots to be developed smaller than ½ acre lots thereby requiring the extension of sewer service to the property. He stated that the site constraints, i.e., natural features on the property, were listed in the staff report and with this development, the environmental features would be protected by being placed in a conservation easement, and he explained that with the set aside of that conservation area, the resulting maximum density would be 1.26 units per acre, which was not considered very dense for a 97-acre parcel.

Mr. Serna advised that after discussing this with Talquin Electric Cooperative, they believed it was feasible and cost effective for Talquin to provide service at this location. He stated that after reviewing the comments on the staff reports, he considered this amendment to be consistent with those requirements and the development could meet those requirements.

Mayor Marks inquired as to what the staff's recommendation of denial was based on, and at what density level, noting that the density was lower than the original application. Planner Russell Snyder advised that the staff's recommendation had not changed even though the numbers had been reduced from a potential 770 units to 208 units on 24 developable acres.

Mayor Marks inquired as to whether the staff was aware of whether Talquin could offer central sewer services for this location, and Mr. Snyder advised that Talquin currently provided sewer service in a nearby neighborhood and had indicated available capacity for 75 additional units with the extension of a sewer line to the area.

Mayor Marks confirmed with Mr. Snyder that the City of Tallahassee did not provide sewer service in that area.

County Commissioner Thaeli advised that the request for lower density was only one of seven (7) reasons why the staff and the LPA had recommended denial of this amendment. He opined that the most significant reason was that there was no broad analysis or evaluation of the need to extend the USA at this time, and he noted that was a work in progress that should be allowed to proceed without making parcel-by-parcel decisions. County Commissioner Thaeli opined that the other significant thing that needed to be understood in regard to this request was that the property was six miles from the nearest transit site and six miles from other basic urban services and in a school zone that was already overcrowded.

Ms. Jean Stimel, 3945 Calle de Santos, appeared before the Joint Commission in opposition to Amendment -003 and pointed out that although their property on the abutting development might be smaller, it was not built on wetlands. She stated that approval of this amendment would lead to the destruction of protected woodlands and native forests, which would lead to the flooding of existing homes on the adjacent property, also leading to a decline in their property values, and she objected to the increase in traffic on the protected canopy road leading to this development, which would lead to speeding and traffic on their neighborhood roads, which were not meant for heavy traffic.

Mr. Robert Scanlon, Chair of the Leon County Water Resources Committee, appeared before the Joint Commission in opposition to Amendment -003, and advised that they were an appointed committee to look at water resources issues countywide and offer advice.

Mr. Scanlon depicted the USA and environmental features of the area on a map display, and he ascertained that the maximum number of allowed units was 208 under the new proposal. He pointed out the 208 units would all go on 26 acres surrounded by environmentally sensitive water bodies on three sides and a wetland to the north, and it would be necessary for Talquin to bring a sewer line through the wetlands and native forest to that development. Mr. Scanlon stated that he was unclear if

the developer would be legally required to go with central sewer or if septic tanks might be allowed, and he reported his committee had voted unanimously to support the staff's recommendation of denial on this amendment.

Mr. Snyder interjected clarification that the maximum number of units would actually be 125 at R2.

Mr. Scanlon pointed out 125 units still exceeded the 75 units that Talquin had indicated it could handle and he stated that all the other factors remained applicable.

Mr. Brenda DeVolentine, 3921 Calle de Santos, appeared before the Joint Commission and submitted a petition signed by 60 citizens in her neighborhood who were opposed to Amendment -003 and any rezoning of the 97 acres fronting the south side of Old St. Augustine Road, located 352 feet east of the intersection of Calle de Santos, from Urban Fringe to Mixed Use A. She stated that they opposed any zoning change that would increase traffic on the canopy road Old St. Augustine and they did not want additional traffic in their neighborhood, which they would like to keep a cul de sac with no provision for through traffic, and they opposed any zoning change that would not be in character with their neighborhood of single family homes on one acre lots. *(The referenced petition has been placed on file in the Office of the City Treasurer-Clerk.)*

Mr. David A. Crowley, 2494 Augustine Court, appeared before the Joint Commission in opposition to Amendment 003 and stated that his home was located one neighborhood immediately to the west of Calle de Santos. He agreed with the reasons for denial that were set forth in the staff's analysis and he pointed out that up to 97 units could be placed on the same 24 acres. Mr. Crowley opined that the proposed development would increase traffic on Old St. Augustine canopy road, which was too narrow to even have striping on it.

County Commissioner Rackleff clarified that the County had surfaced that stretch of Old St. Augustine Road with open grade coal mix and it was meant for low traffic volume roads.

Mr. Pleasant Grant Vause, 4012 Calle de Santos, appeared before the Joint Commission in opposition to Amendment 003 and described his personal interest in his neighborhood.

Mr. Vause stated that he was surrounded by retired neighbors who were also very concerned about possible changes from the proposed development of the subject property. He objected to the radical changes proposed in this amendment and urged the Commission to oppose its approval.

Ms. Carol Laymanse, Lpt 5, Block C, Louvinia Lakes, appeared before the Joint Commission in opposition to Amendment -003 and stated that she and her husband, who were currently living in Central Florida, had purchased an undeveloped 5-acre lot with the intent of building their future retirement home. She expressed serious concern with the proposed development and urged denial of this amendment.

Mr. Paul Johnson, 537 Hickory Wood Drive, Crawfordville, FL (32327), representing the Save Wakulla Springs Organization, appeared before the Joint Commission in opposition to Amendment -003 and the proposed extension of the USA, the increasing density and intensity in an environmentally sensitive area that would also effect Wakulla County with its drainage and impacts from septic tanks or additional sewer service. He stated that Leon County's basically inadequate waste treatment system and poor disposal was affecting Wakulla County's groundwater and Wakulla Springs, and his organization asked that the Commissions follow the staff's recommendation on this amendment.

Mr. Greg Kearney, 8365 Caplock Road, appeared before the Joint Commission in opposition to Amendment 003 and asked the Commissions to oppose this proposal for all the reasons given by the staff and prior speakers.



Ms. Sarah Godwin, 4013 Camino Real, appeared before the Joint Commission in opposition to Amendment 003 and depicted the location of her home on a map display.

Ms. Godwin described the subject property as including only approximately 25 dry acres directly adjacent to the cul de sacs in her neighborhood and she stated her understanding that the area could be developed under its current zoning. She described the area as swampy areas and woodlands with wildlife, and she expressed concern that the property not be used to open the door to commercial or light industrial, which was included in Mixed Use A, and that additional traffic, light and noise not be created.

County Commission Chair Sauls noted that Attachment B indicated there would be up to 97 units on 24 acres.

Mr. Snyder clarified that 97 units could be developed under the current zoning as a cluster development, but the Code limited the lot sizes to ½ acre, therefore, that would only allow 48 units on the 24 acres.

Mr. Mark A. Mahoney, 8733 Palencia Court, appeared before the Joint Commission in opposition to Amendment 003, noting that his home was on the cul de sac off of Calle de Santos, and opined that it was a bad idea to rezone the area. He endorsed the prior speakers' reasons for opposing this amendment and urged denial.

Mr. Johnny Petrandis, 4178 Apalachee Parkway, appeared before the Joint Commission in support of Amendment 003 and pointed out the subdivision regulations would take all the wetlands into the conservation easement. He stated that central sewer would not have the impact of septic tanks on the wetlands and advised that the existing subdivisions were platted with plans for County road extensions. Mr. Petrandis further advised that minus the roads and holding ponds, there would be approximately 18.2 acres on which to build and, at 4.8 units per acre, that would allow a total density of approximately 88 units. He stated that the Talquin package treatment plant currently had capacity for 75 additional units and was built so that capacity could be added, noting that he could choose to give Talquin the additional land that would be needed.

Mr. Petrandis further advised that Talquin had approximately 15,000 gallons of water availability, which would provide for 88 units, and stated that he had been led to believe that changing his request to R2 would have the support of the staff. He stated that that Rickards High School was not overcrowded and, with regard to traffic concerns, he opined that Caplock Road was a shorter distance to Louvinia versus Calle de Santos to Old St. Augustine. Additionally,

Mr. Petrandis pointed out the Comp Plan was designed to extend into the USA if services were available and he stated that those services were available for this development. He stated that homes would be built that were comparable to the existing homes in the area, currently at a range of \$150,000 to \$175,000, and there would be neighborhood of homes valued at \$175,000 or more in this area.

City Commissioner Lightsey asked staff to provide the Commissioners with a more comprehensive map prior to the next workshop that would demonstrate how the subject area related to the body of the USA.

City Commissioner Lightsey ascertained from Ms. Gregory that she believed the Talquin service to the area to be from a package treatment plant, and expressed interest in when it was established, noting that she recalled there had been a tremendous number of septic tank failures in the area. She asked that the staff bring back information on this issue, including why the septic tanks had failed, whether because of the soil or a high groundwater table. Ms. Gregory stated that the staff would check with the Health Department and attempt to bring back some information in that regard.

City Commissioner Lightsey observed that she had not yet heard any compelling reason for expanding the USA boundary.

Noting that he was familiar with the package treatment plant in this area, County Commissioner Rackleff stated that it had experienced numerous environmental problems because of the way it was built and operated, and stated that he was aware there had been some violations cited by the Florida Department of Environmental Protection (FDEP). He asked that the staff provide the Commissioners with some information on the environmental violation history of that treatment plant. Ms. Gregory confirmed that there was a long history of violations, but stated that the staff would provide information in that regard. She advised, however, that the latest information from FDEP was that the treatment plant was currently in compliance.

County Commissioner Rackleff advised that the County had a water quality monitoring station downhill from the area in the lake and for years the water had been filthy due to percolation of sewage into the lake.

County Commissioner Thael recalled that in 1997 both Commissions had voted unanimously to delete the 1,000-foot rule from the text of the Comp Plan but not from the Future Land Use Map. He stated that the 1,000-foot rule, which provided for property 1,000 feet from the centerline of Old St. Augustine Road to be included in the USA, remained on the Future Land Use Map and its effect was unfair to land owners like Mr. Petrandis because it gave them hope that they could develop their land with urban services when in fact that was almost impossible. He asked that the staff bring the 1,000-foot rule issue back for consideration at an appropriate time so as to provide consistency between the Future Land Use Map and the Comp Plan. City Commissioner Lightsey noted that this issue had been brought back previously and there was some problem, but stated that she was pleased to support his request.

**AMENDMENT 2004-2-M-004.** Proposed map amendment change from Residential Preservation (RP) to Mixed Use A on 9.72 acres located immediately south of I-10, north of Portland Avenue, and west of Old Bainbridge Road (Pepper Ghazvini) [Staff: Dan Lucas].

Mr. Robert Wallace, 2114 W. Dellview, appeared before the Joint Commission in opposition to Amendment 004 and noted that the request site was approximately 400 feet from Astoria Park Elementary School although there was no mention of whether the school had the capacity for these additional students. He further noted that the applicant's intent was to develop the site with 64 townhomes of which approximately 7 acres (or 73%) was wetlands or drainage easements that could not be used, therefore, 64 townhomes would be placed on approximately 2 ½ acres, which he believed to be inappropriate. Mr. Wallace suggested that the applicant explain how this could be done within the constraints of the zoning ordinances, noting that it alluded to a 60-foot easement on the west side of the property – an easement that was 30 feet wide, which was insufficient for two lanes of traffic plus curbs and gutters, sidewalks and utilities. He further noted that the 60-foot easement crossed federal property out to Interstate 10, and he stated that there was a question of concurrency on Old Bainbridge Road, Hartsfield Road was already over capacity on its peak hours, and Portland Avenue, which would be one of the access roads, only had capacity for 13 more trips per day and would be overcapacity as well with the additional 20 trips per day peak hours. Mr. Wallace further noted that the request site backed up to his daughter's back door on Portland Ave and would limit her access.

Mr. John Koelemij, 1006 Gardenia Drive, appeared before the Joint Commission in opposition to Amendment 004 and discussed his development of Astoria Park Subdivision in 1970. He stated that there was no dedicated right-of-way to access the request site and a previous request to use one of the building sites had been denied because of restrictive covenants, and he stated that the only other access from the site was down Atlas Road, which was the front of Astoria Park School and would create traffic problems. Mr. Koelemij stated that he could not understand how the Planning staff could recommend approval of this request and he urged support of the LPA's recommendation for denial of the change to this property, which was wet and caused trouble with the sewer line in that area.

Ms. Nancy Linnan, Carlton Fields, 215 S. Monroe Street, appeared before the Joint Commission in support of Amendment 004, and depicted the location of the property and surrounding land uses on a display map. She stated that the property consisted of approximately 10 acres with the vacant piece located between I-10 with a 110-foot transmission line easement, a church on one side and a City drainage area on one side, 39 townhomes in groups of eight (8) and five (5) single family homes, and explained that the intent was to change the area from RP to Mixed Use A with the intent of building townhomes on the property. Ms. Linnan advised that this land use change would allow two additional units per acre, up from 6 to 8 units per acre, allow the units to be clustered, provide the ability to build townhomes, and the design details would be addressed in zoning and site plan reviews. She stated that Portland Avenue was a minor collector street and Genesis Engineers had ran the City traffic model and determined that approximately 76-78 units could be constructed on the request site without any capacity problems, so that concurrency would be met.

Ms. Linnan further advised that R3 zoning had been chosen, the property would be accessed by driveway so that there would not be any vehicles backed up onto Portland Avenue, and the owner had a 1979 60-foot deed of easement from the City across and into the property, which also gave the City access to its power line for maintenance. She stated that the staff report incorrectly mentioned that approximately 63% of the site was wetlands based on a GIS review, when in fact only 15% of the site was a floodplain, not wetland, and the floodplain extended along a City-owned ditch at the rear of the property.

With regard to setbacks, Ms. Linnan stated that the closest any townhome would be to the property line was 70 feet and at site planning, the developer would like to discuss with the City doing some plantings along the City's drainage ditch to provide additional buffering. She described the property as ideal for infill and the townhomes would be clustered to impact a few trees as possible, and she stated that the developer was committed to working with the neighbors through the site plan process.

Pastor Joseph Brown, Pastor of a church located at 2640 Old Bainbridge Road, appeared before the Joint Commission in support of Amendment 004, and stated that the church property adjoined the request site. He stated that the church had no objection to the development of additional living units.

County Commissioner Rackleff inquired as to the price range of the townhomes that were planned for this development.

Mayor Marks and City Commissioner Mustian left the meeting at 8:34 p.m., and County Chair Sauls assumed the Chair.

Ms. Linnan advised that the townhomes would be for sale and would be priced at approximately \$125,000.

County Commissioner Thael also ascertained from Ms. Linnan that the target market included families with children because of the proximity to the school.

**AMENDMENT 2004-2-M-005.** Proposed map amendment change from Rural to Urban Fringe on 1,622 acres located along the Wakulla County line, south of Natural Bridge Road and southeast of Gerrell Road, and mostly southwest of the intersection of Old Plank Road and Natural Bridge Road (Emmett Mitchell) [Staff: Dan Lucas].

Mr. Manley Fuller, a resident of Wakulla County and President of the Florida Wildlife Federation, 2545 Blair Stone Pines Drive, appeared before the Joint Commission in opposition to Amendment -005 and expressed support for the Planning staff's recommendation to deny the amendment.

Mr. Fuller discussed his organization's concern with water quality issues associated with the request property and advised that the State was negotiating with the St. Joe Developers about the

potential purchase of properties to the east of this property along the St. Marks River from Highway 27 down to Tram Road in the first phase, and down to the subject area in the second phase. He reported the eastern portion of the property contained a lot of wetlands and floodprone areas, and his organization believed that at some future date it might be an appropriate addition to the St Marks River state park. Mr. Fuller stressed their concern about the ground water quality in both the Wakulla Springs drainage and the St. Marks River drainage the area, and believed that this proposed development would be problematic in that regard.

Ms. Virginia Brock, 311 Old Magnolia Road, appeared before the Joint Commission in opposition to Amendment 005 and endorsed Mr. Fuller's comments about the water quality. She stated that there were several sink holes in the area and she had seen much of the area under water.

Mr. Robert Scanlon, representing the Leon County Water Resources Committee, appeared before the Joint Commission and reported that his Committee had voted unanimously to support the staff's recommendation of denial of Amendment 005. He stated that this property was so far not Urban Fringe, that it was almost Wakulla County fringe, and there were at least two identified springs on the property where the water table was 5-15 feet below ground level and returned immediately to the aquifer, and the ground was sand with no intervening clay. Mr. Scanlon pointed out the proposed development would be on septic tanks and would adversely impact the Wakulla County water quality, and he emphasized the Committee strong recommendation to deny this amendment.

Ms. Pamela Hall, 5057 Quail Valley Road, appeared before the Joint Commission in opposition to Amendment -005, and described this as a move to develop patches of urban fringe around the County.

Ms. Hall emphasized the cost of providing urban services, such as police, medical, fire and schools, to individuals living in urban fringe islands of development in outlying areas.

Mr. Paul Johnson, representing Save Wakulla Springs, reappeared before the Joint Commission in opposition to Amendment 005 and urged the Commissions to support their staff's recommendation and deny this amendment because the site was outside of the USA and because of the impacts it would have on the groundwater in Wakulla County. He pointed out the request site was located within the study area looking at the impacts of poor wastewater treatment within South Leon County, and pointed out the County Commission had strenuously objected to a proposed development just to the other side of the Wakulla County line.

County Commissioner Thael advised that Mr. Gary Yordon, 1306 Tootchin Nene, a citizen representing this developer, had asked him to convey that he could not stay but would contact each Commissioner independently to address concerns with this amendment.

An unidentified citizen in the audience inquired as to how this amendment with no merit had reached this point, and City Commissioner Lightsey stated that the staff had to treat seriously each application that was submitted. She explained that, unless the applicant withdrew the amendment, the Commissions were bound by process to consider the matter.

County Commissioner Winchester suggested that someone should talk to the applicant and suggest that this amendment be withdrawn.

**AMENDMENT 2004-2-M-006.** Proposed map amendment change from Mixed Use C to University Transition for 49 parcels totaling approximately 54.75 acres located south of West Tennessee Street and west of Stadium Drive/Murphy Street (Tallahassee Leon County Planning Department) [Staff: Kristen Andersen].

There were no speakers on Amendment 006.

**AMENDMENT 2004-2-M-007.** Proposed map amendment change from RP to Mixed Use A on two parcels totaling approximately 2.11 acres located at 825 and 835 W. Tharpe Street, east of Old Bainbridge Road (Mary M. Harris, Irrevocable Charitable Remainder Unitrust) [Staff: Russell Snyder].

Mr. Kee Elwell, 3007 Brookmont Drive, appeared before the Joint Commission in support of Amendment 007, and expressed the opinion that this property had been overlooked when Site Specific Zoning had occurred because the property to the south was M2 Light Industrial and to the north was UP. He stated that the amendment would move the line over so that it would be consistent with the north and south boundaries of the other properties, and he urged approval as recommended by Planning staff.

City Commissioner Lightsey questioned why the property was currently designated RP, and Director of Planning Wayne Tedder depicted the property on a map display, demonstrating that the eastern portion of the property was zoned RP1 and the applicant was proposing that the property be matched to the existing zoning to the west, which was UP1, consistent with the zoning in and around that area. He stated that the neighborhood had been concerned with light industrial uses, which would not be permitted under UP1, and stated that UP1 was intended for more compact development as commercial, office and residential.

City Commissioner Lightsey clarified with Mr. Tedder that this amendment would impact one parcel and part of another and the bigger parcel bisected and encompassed two different kinds of land uses.

County Commissioner Rackleff noted that the aerial photograph of the property appeared to reflect two lots with a house on each of them. Ms. Gregory advised that there was a single family home fronting on Tharpe Street on one lot and the house on the second lot had been converted to a used car lot. She described the property, indicating it was located across the street from Stars Meat Market.

Ms. Mary Moody, 2101 Joyner Drive, appeared before the Joint Commission and stated that although the Park Side and Park Terrace Neighborhoods, which adjoined this area, had not met on this issue, a number of the residents were interested in obtaining more information. She stated that they were concerned with the outcome of Amendment -007 and its potential impacts on drainage and the historic Greenwood Cemetery.

Mr. Harold Martindale, 830 Abbiegail Drive, appeared before the Joint Commission and expressed his concern with Amendment -007. He stated that there was a major drainage problem next to his property, which was located in the Park Side Terrace Neighborhood, and attributed the problem to the City Commission allowing a strip mall on the site. Mr. Martindale stated that the City was considering a installing a big drainage pond next to his property, and he wanted to know if the drainage from this new development would run into the holding pond that was being constructed in front of his driveway as he expected that pond to keep his property from flooding.

City Commissioner Lightsey observed that there would be UP1 uses adjoining RP1 small lots if this land use change was approved. Ms. Gregory explained that there would be a Type D buffer, which was a minimum of 30 feet wide, and at the request of City Commissioner Lightsey, stated that the staff would provide additional information on the required buffering between those land uses.

City Commissioner Lightsey noted that the amendment referenced both 200,000 sq. ft. and 20,000 sq. ft. commercial, and Ms. Gregory advised that the staff would provide clarification in that regard.

**AMENDMENT 2004-2-M-008.** Proposed map amendment change from Rural to Mixed Use A on approximately 79 acres located on Tower Road west of Cypress Circle. The amendment request also proposes to move the Urban Service Area (USA) line to encompass the parcel in its entirety. (Leon County Board of County Commissioners) [Staff: Russell Snyder].

There were no speakers on Amendment -008.

**AMENDMENT 2004-2-T-009.** This amendment proposes to amend the deadline date included within Conservation Element Policy 2.1.7 (City only) by which the City shall adopt policies into the Comprehensive Plan that reflect specific stormwater retrofit objectives including consideration of costs, methodology and the community's willingness to financially support implementation. The amendment proposes to change the date by which policies are to be adopted into the Comprehensive Plan from 2004 to 2005, extending this deadline by one year. (City Stormwater Management Division) [Staff: Kristen Andersen].

(See speaker comment on Amendment 010.)

**AMENDMENT 2004-2-T-010.** This amendment proposes to amend the date included within Utilities Element Policy 1.4.2 (City only) by which existing developed sites that do not achieve the level of stormwater treatment required by the Comprehensive Plan shall be required to have a retrofit plan in accordance with the adopted retrofit portion of the stormwater management plan. The amendment proposes to change the date by which policies are to be adopted into the Comprehensive Plan from 2005 to 2006, extending this deadline by one year (City Stormwater Management Division) [Staff: Kristen Andersen].

Mr. Paul Johnson, representing Save Wakulla Springs, reappeared before the Joint Commission in opposition to Amendments 009 and 010, and explained that his organization was concerned that postponing the dates for a year could have a significant impact on the groundwater. He noted that this request was contrary to information received by Leon County staff from the FDEP, which was developing the State Total Maximum Daily Loads (TMDLs) to incorporate commitments by the City of Tallahassee for retrofit. Mr. Johnson stated that the TMDLs was no excuse to slow down implementation of this project, noting that there were studies in place that indicated there were 145 watersheds covering 140,000 acres, representing 93% of the USA, and only 20 of those watersheds were being addressed within this plan. He encouraged the Commissions not to roll the dates back but to move forward with a good program for stormwater.

City Commissioner Lightsey stated that this was a one-year delay that was needed because a program could not be established with a funding source in sufficient time to meet these deadline dates. She stated that they were committed to implementing a stormwater program and stated that, as water resource commissioner, she would be willing to discuss the matter in more detail.

**AMENDMENT 2004-2-T-011.** The proposed text amendment would amend the text description of the University Transition land use category to include an expanded area of applicability that would include the rectangle of land within the Florida State University main campus, Florida A & M University, Tallahassee Community College (TCC) / Lively Technical Institute campuses and Innovation Park -- specifically, lands lying west of South Adams Street, south of West Tennessee Street, north of Orange Avenue, and adjoining Innovation Park and TCC to the east, excluding the Gains Street Revitalization Plan study area (Tallahassee-Leon County Planning Department) [Staff: Kristen Andersen].

There were no speakers on Amendment 011.

**AMENDMENT 2004-2-T-012.** Proposed update of two sections of the Functional Classification Maps series in the Transportation Element to recognize the existence of recently constructed roadways (Tallahassee-Leon County Planning Department) [Staff: Dan Lucas].

There were no speakers on Amendment 012.

**AMENDMENT 2004-2-T-013.** The proposed text amendment would ensure stricter compliance with Chapter 171, Florida Statutes, for all future annexations provide the Leon County Board of County Commissioners with additional information to consider prior to the Board's review of future annexation requests and would specifically require that the comments from the County will be received by the City

Manager prior to the public hearing on the annexation ordinance (Leon County Board of Commissioners) [Staff: Russell Snyder].

There were no speakers on Amendment 013.

**ADJOURNMENT**

Mayor Marks inquired if anyone else desired to address the Commission at this time or if there was any new business to discuss and there being none, the meeting was adjourned at 8:58 p.m.

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Jane Sauls  
Chairman

ATTEST:

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Bob Inzer, Clerk of the Circuit Court